



## COMMUNITY DEVELOPMENT

### **HEARINGS OFFICER HEARING - LAND USE: MARKEN PLAN AMENDMENT/ZONE CHANGE**

6:00 PM, TUESDAY, SEPTEMBER 06, 2022

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St – Bend

(541) 388-6575 | [www.deschutes.org](http://www.deschutes.org)

## AGENDA

### MEETING FORMAT

This meeting will be conducted electronically, by phone, in person, and using Zoom.

Members of the public may view the meeting in real time via the Public Meeting Portal at [www.deschutes.org/meetings](http://www.deschutes.org/meetings).

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

<https://us02web.zoom.us/j/83173795589>

Using this option may require you to download the Zoom app to your device.

Members of the public can access the meeting via telephone, dial: 1-346-248-7799. When prompted, enter the following Webinar ID: 831-7379-5589

Written comments can also be provided for the public comment section to [Audrey.Stuart@deschutes.org](mailto:Audrey.Stuart@deschutes.org) by 4:00 PM on September 5, 2022. They will be entered into the record.

### PUBLIC HEARING

1. FILE NUMBERS: 247-22-000353-PA, 354-ZC

LOCATION: 21495 Bear Creek Road, Bend, Oregon 97701 and 21493 Bear Creek Road, Bend, Oregon 97701

PROPOSAL: The applicant requests approval of a Comprehensive Plan Amendment to change the designation of the subject property from Agricultural (AG) to Rural Residential Exception Area (RREA). The applicant also requests a corresponding Zone

Change to rezone the subject property from Exclusive Farm Use – Tumalo-Redmond-Bend subzone (EFU-TRB) to Multiple Use Agricultural (MUA10).

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Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.

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## NOTICE OF PUBLIC HEARING

### HEARING FORMAT

The Deschutes County Hearings Officer will conduct the public hearing described below by video and telephone. If participation by video and telephone is not possible, in-person testimony is available. Options for participating in the public hearing are detailed in the Public Hearing Participation section.

### PROJECT DESCRIPTION

**FILE NUMBERS:** 247-22-000353-PA, 247-22-000354-ZC

**OWNER:** Harold K. Marken and Joann M. Marken  
21495 Bear Creek Road  
Bend, Oregon 97701

**APPLICANT:** Harold K. Marken  
21495 Bear Creek Road  
Bend, Oregon 97701

**ATTORNEY(S)  
FOR APPLICANT:** Liz Fancher  
2464 NW Sacagawea Lane  
Bend, Oregon 97703

**PROPOSAL:** The applicant requests approval of a Comprehensive Plan Amendment to change the designation of the subject property from Agricultural (AG) to Rural Residential Exception Area (RREA). The applicant also requests a corresponding Zone Change to rezone the subject property from Exclusive Farm Use - Tumalo-Redmond-Bend subzone (EFU-TRB) to Multiple Use Agricultural (MUA10).

**LOCATION:** Parcel 1: Has an assigned address of 21495 Bear Creek Road, Bend, Oregon 97701; and is identified on County Assessor Tax Map 18-12-02, as Tax Lot 201

Parcel 2: Has an assigned address of 21493 Bear Creek Road, Bend, Oregon 97701; and is identified on County Assessor Tax Map 18-12-02, as Tax Lot 203

**HEARING DATE:** Tuesday, September 6, 2022

**HEARING START:** 6:00 pm

**STAFF PLANNER:** Audrey Stuart, Associate Planner  
Audrey.Stuart@deschutes.org, 541-388-6679

**RECORD:** Record items can be viewed and downloaded from:  
<https://www.deschutes.org/cd/page/247-22-000353-pa-and-247-22-000354-zc-marken-comprehensive-plan-amendment-and-zone-change>

**STANDARDS AND APPLICABLE CRITERIA:**

Title 18 of the Deschutes County Code, the County Zoning Ordinance:  
Chapter 18.04, Title, Purpose, and Definitions  
Chapter 18.16, Exclusive Farm Use Zones (EFU)  
Chapter 18.32, Multiple Use Agricultural (MUA10).  
Chapter 18.136, Amendments

Title 22, Deschutes County Development Procedures Ordinance  
Deschutes County Comprehensive Plan  
Chapter 2, Resource Management  
Chapter 3, Rural Growth Management  
Appendix C, Transportation System Plan

Oregon Administrative Rules (OAR), Chapter 660  
Division 12, Transportation Planning  
Division 15, Statewide Planning Goals and Guidelines  
Division 33, Agricultural Land

Oregon Revised Statutes (ORS)  
Chapter 215.010, Definitions  
Chapter 215.211, Agricultural Land, Detailed Soils Assessment

**PUBLIC HEARING PARTICIPATION**

- If you wish to provide testimony during the public hearing, please contact the staff planner by 4 pm on September 5, 2022. Testimony can be provided as described below.
- Members of the public may listen, view, and/or participate in this hearing using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link: <https://us02web.zoom.us/j/83173795589> Using this option may require you to download the Zoom app to your device.
- Members of the public can access the meeting via telephone, by dialing 1-312-626-6799. When prompted, enter the following Webinar ID: 831-7379-5589.

- Written comments can also be submitted to the record. Please see the Document Submission section below for details regarding written submittals.
- If participation during the hearing by video and telephone is not possible, the public can provide testimony in person at 6 pm in the Barnes and Sawyer Rooms of the Deschutes Services Center, 1300 NW Wall Street, Bend.

All documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost at the Deschutes County Community Development Department (CDD) at 117 NW Lafayette Avenue. Seven (7) days prior to the public hearing, a copy of the staff report will be available for inspection at no cost at CDD and on the websites listed above. Copies of all documents, evidence and the staff report can be purchased at CDD for (25) cents a page.

**ALL INTERESTED PERSONS MAY APPEAR, BE HEARD, BE REPRESENTED BY COUNSEL, OR SEND WRITTEN SIGNED TESTIMONY. ANY PARTY TO THE APPLICATION IS ENTITLED TO A CONTINUANCE OF THE INITIAL EVIDENTIARY HEARING OR TO HAVE THE RECORD LEFT OPEN IN ACCORDANCE WITH SECTION 22.24.140 OF THE DESCHUTES COUNTY CODE.**

Failure to raise an issue in person at a hearing or in writing precludes appeal by that person to the Land Use Board of Appeals (LUBA), and that failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please contact the staff planner identified above.

**DOCUMENT SUBMISSION**

Any person may submit written comments on a proposed land use action. Documents may be submitted to our office in person, U.S. mail, or email.

**In Person**

We accept all printed documents.

**U.S. Mail**

Deschutes County Community Development  
Planning Division, Audrey Stuart  
P.O. Box 6005  
Bend, OR 97708-6005

**Email**

Email submittals should be directed to [Audrey.Stuart@deschutes.org](mailto:Audrey.Stuart@deschutes.org) and must comply with the following guidelines:

- Submission is 20 pages or less
- Documents can be printed in black and white only
- Documents can be printed on 8.5" x 11" paper

Any email submittal which exceeds the guidelines provided above must be submitted as a paper copy.

### Limitations

- Deschutes County does not take responsibility for retrieving information from a website link or a personal cloud storage service. It is the submitter's responsibility to provide the specific information they wish to enter into the record. We will print the email which includes the link(s), however, we will not retrieve any information on behalf of the submitter.
- Deschutes County makes an effort to scan all submittals as soon as possible. Recognizing staff availability and workload, there is often a delay between the submittal of a document to the record, and when it is scanned and uploaded to Accela Citizen Access (ACA) and Deschutes County Property Information (DIAL). For this reason, the official record is the file that resides in the Community Development office. The electronic record in ACA and DIAL is not a substitute for the official record.
- To ensure your submission is entered into the correct land use record, please specify the land use file number(s).
- For the open record period after a public hearing, electronic submittals are valid **if received by the County's server** by the deadline established for the land use action.
- IF YOU WISH TO BE NOTIFIED OF ANY DECISION RELATED TO THIS APPLICATION, YOU MUST PROVIDE A MAILING ADDRESS.

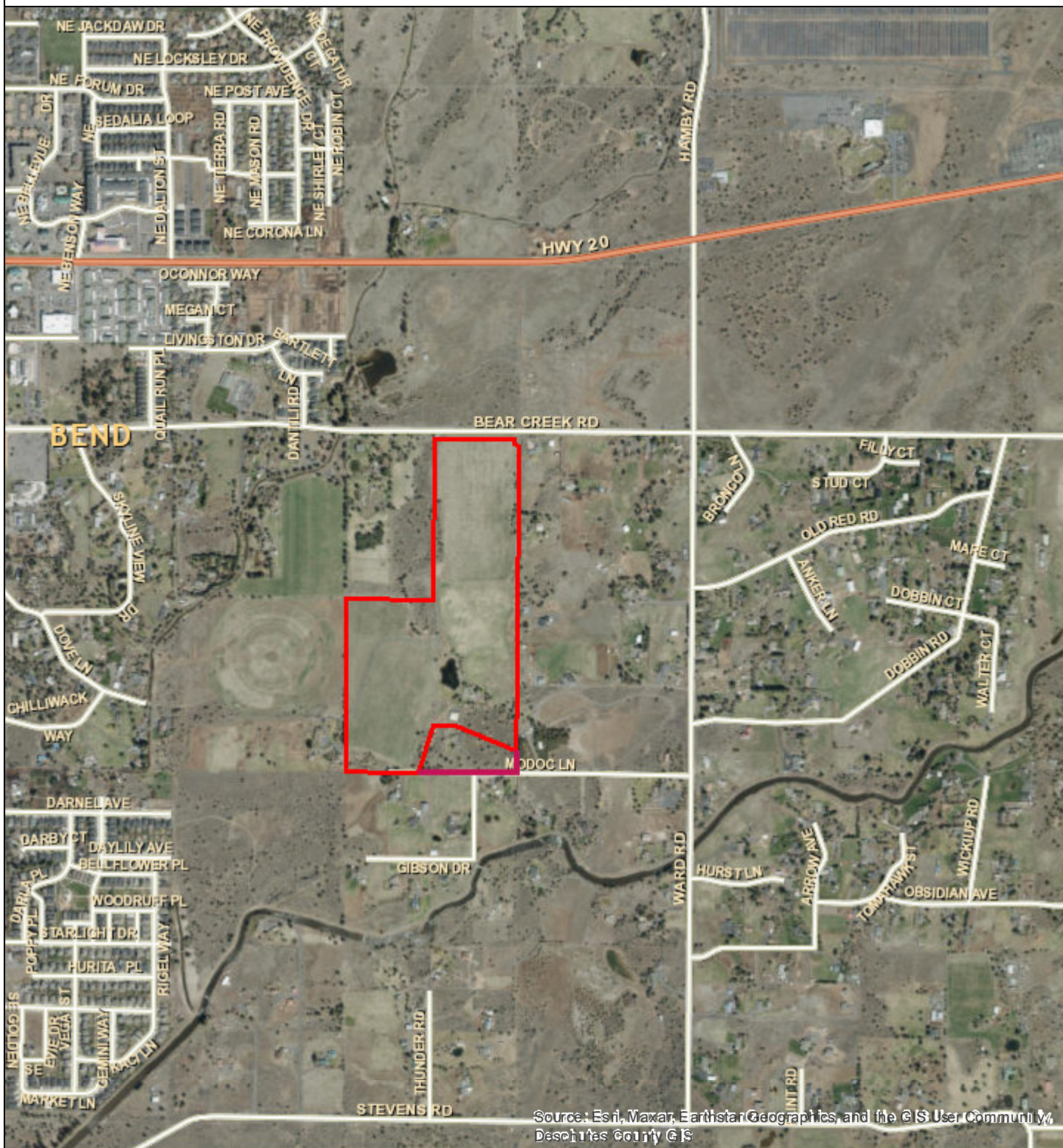
**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.**

This Notice was mailed pursuant to Deschutes County Code Chapters 22.20 and 22.24.

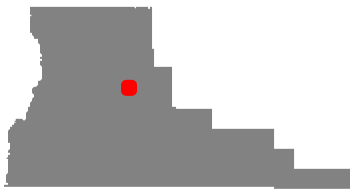


# 247-22-000353-PA, 247-22-000354-ZC

## Location Map



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community  
Deschutes County GIS



Date: 5/9/2022

